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1 **.LEWIS BRISBOIS BISGAARD & SMITH LLP**

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8 Attorneys for Defendant

9 FIDELITY CAPITAL FUNDING, INC.

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 WASHINGTON MUTUAL BANK, a federal )  
13 savings bank, as successor at law to Long Beach )  
14 Mortgage Company, )

15 Plaintiff,

16 v.

17 FIDELITY CAPITAL FUNDING, INC., a )  
18 California corporation )  
19 Defendant. )

CASE NO. CV 08 1407 EMC

STIPULATION

Action Filed: March 12, 2008

LEWIS BRISBOIS BISGAARD & SMITH LLP

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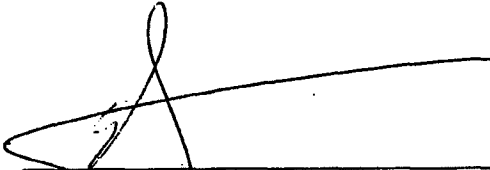
1 Plaintiff WASHINGTON MUTUAL BANK, as successor at law to Long Beach Mortgage  
2 Company, and Defendant FIDELITY CAPITAL FUNDING, INC., hereby stipulate that defendant  
3 Fidelity Capital Funding, Inc. shall have up to, and including, April 28, 2008 to file its response to the  
4 Complaint in this action.

5 It is so agreed:

6 DATED: April 23, 2008

WASHINGTON MUTUAL BANK

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8  
9 By

  
NOEL S. JOHNSON  
Office of the General Counsel  
WASHINGTON MUTUAL BANK

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11  
12  
13 DATED: April 21, 2008

LEWIS BRISBOIS BISGAARD & SMITH LLP

14  
15  
16 By

  
WILLIAM P. BURANICH  
Attorneys for Defendant  
FIDELITY CAPITAL FUNDING, INC.